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Sen. Stan Gerzofsky
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Rep. Margaret Rotundo, Chair
Rep. John L. Patrick
Rep. Jeffery A. Gifford
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STATE OF MAINE

Citizen Trade Policy Commission

April 17, 2009

Lisa Garcia
Assistant U.S. Trade Representative
Office of the United States Trade Representative
600 17th Street, N.W.
Washington, DC 20508

Dear Ms. Garcia:

Congratulations on your appointment as the Assistant U.S. Trade Representative for Intergovernmental Affairs and Public Liaison. We know you bring with you the confidence of the President and the respect of professional staff throughout USTR.

The Maine Citizen Trade Policy Commission has noticed and appreciates the outreach to a broader group of state officials and civil society voices, by the transition team and by new USTR staff. Maine was the first state to pass statute creating a citizen commission on international trade, which brings together legislators, attorney general staff, representatives of the governor's office, and citizens representing small business, farmers, exporters, and labor leaders to examine the opportunities and impact of international trade and investment agreements on our states. New England has come together as a region to discuss new agreements, communications with federal counterparts, and the role of IGPAC and national associations such as NCSL. Also, as part of that work, we've had some opportunity to work with USTR staff, and also to develop ideas for improvements in consultation and in the data available for making trade policy.

We appreciate this comment from USTR's 2009 Trade Policy Agenda:

"In addition to promoting social accountability, U.S. trade policy development needs to become more transparent. Many stakeholders are frustrated with the lack of consultation involved in the development and implementation of trade policy, but we can and should expand public participation in advising U.S. trade negotiators. The methods for doing so will have to evolve but improved websites for the trade

policy agencies and more public consultation venues outside the established advisory groups are important steps toward this goal."

We were also pleased to see Ambassador Kirk's response to Maine Senator Olympia Snowe's question for his Finance Committee confirmation hearing:

Question: "As USTR, how would you improve your office's interaction with state and local governments and trade policy groups to better address their concerns with U.S. trade policy?"

Answer: "USTR needs to do a much more proactive job of reaching out to Governors, State Attorneys General, local officials and others to solicit their input early and often."

Remarks made by Ambassador Kirk as part of the confirmation process, USTR's Annual Trade Review, and conversations with other USTR staff, also suggest that USTR may soon undertake a review of the policy advisory committee structure. Our Commission is very interested in participating in that review.

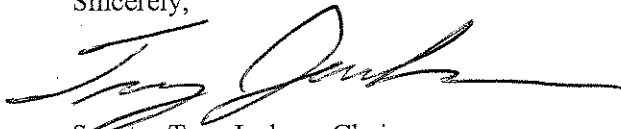
We also understand that USTR is undertaking a transparency review, and we hope that there will be an opportunity for states and IGPAC to make proposals regarding federal-state consultation, with respect to both the "transparency review" and also with respect to the formal advisory committee structure to ensure that the discussion format and process takes into consideration the unique needs of state legislators and government officials.

We would appreciate the opportunity to share our ideas on the needs of states in the broader trade debate. Trade policy has a significant impact on our state and the current systems lack sufficient transparency and state consultation.

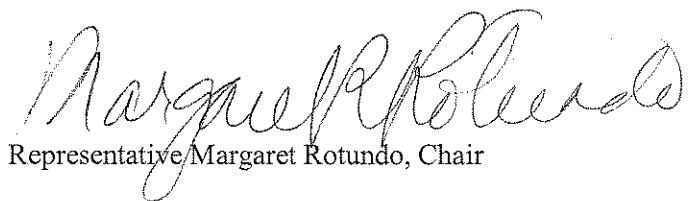
Attached please find information about the Maine Citizen Trade Policy Commission including the contact information for our members, as well as a summary of actions the Commission has taken since its inception in 2004.

We look forward to working with you in your role as Assistant USTR for Intergovernmental Affairs.

Sincerely,



Senator Troy Jackson Chair



Representative Margaret Rotundo, Chair

SB/ln
Attachments

cc: Kay Alison Wilkie, Director for International Policy

A Brief Description of Maine's Citizen Trade Policy Commission

1. Established. The Citizen Trade Policy Commission was established by the Maine State Legislature in 2004 to assess and monitor the legal and economic impacts of trade agreements on state and local laws, working conditions and the business environment; to provide a mechanism for citizens and Legislators to voice their concerns and recommendations; and to make policy recommendations designed to protect Maine's jobs, business environment and laws from any negative impact of trade agreements.

2. Membership. The commission consists of 22 members including six legislators, an Attorney General designee, a member from the Department of Labor, the Department of Environmental Protection, the Department of Agriculture, Food and Rural Services, the Department of Human Services, the Maine International Trade Center and 10 members representing a broad range of interests in the private and nonprofit sectors.

3. Powers and duties. The commission:

1. Must hear public testimony and recommendations from the people of the State and qualified experts when appropriate at no fewer than 2 locations throughout the State each year on the actual and potential social, environmental, economic and legal impacts of international trade agreements and negotiations on the State;

2. Must every 2 years conduct an assessment of the impacts of international trade agreements on Maine's state laws, municipal laws, working conditions and business environment;

3. Must maintain active communications with and submit an annual report to the Governor, the Legislature, the Attorney General, municipalities, Maine's congressional delegation, the Maine International Trade Center, the Maine Municipal Association, the United States Trade Representative's Office, the National Conference of State Legislatures and the National Association of Attorneys General or the successor organization of any of these groups;

4. Must maintain active communications with any entity the commission determines appropriate regarding ongoing developments in international trade agreements and policy;

5. May recommend or submit legislation to the Legislature;

6. May recommend that the State support, or withhold its support from, future trade negotiations or agreements; and

7. May examine any aspects of international trade, international economic integration and trade agreements that the members of the commission consider appropriate.

4. Additional information. For more information about Maine's Citizen Trade Policy Commission please visit its website at <http://www.maine.gov/legis/opla/citpol.htm>.

Actions of the Citizen Trade Policy Commission of the Maine Legislature

2004:

- Commission established by the Jobs, Trade and Democracy Act (LD 1815)
- Commission first meets, October 2004

2005:

- Issued a statement urging Maine's Congressional Delegation to work against the passage of DR-CAFTA
- Recommended in writing that United States Trade Representative carve out government actions at the state and local level from the new GATS offer until the Commission had an opportunity to adequately review and analyze the language of the proposed commitment.
- Issued a number of press releases regarding its activities and held press conferences regarding its position on CAFTA.

2006:

- Met with and worked directly with the Office of the United States Trade Representative's (USTR) to establish a direct and open dialogue to maximize the ability of the Commission to convey the concerns of Maine's citizens to USTR in a timely and effective manner.
- In conjunction with the Forum on Democracy and Trade developed and conducted the Commission's 2006 assessment.
- Provided USTR with policy recommendations during the most recent round of the World Trade Organization's (WTO) Working Party on Domestic Regulation (WPDR) negotiations on rules implementing a provision of the General Agreement on Trade and Services (GATS) dealing with the domestic regulation of services.
- Established a legislative outreach subcommittee to better inform Maine's Legislature about trade related issues.
- Opposed the adoption of the proposed rules by the Department of Homeland Security pursuant to the Intelligence Reform and Terrorism Prevention Act that would require U.S. citizens and nonimmigrant aliens to present a passport or alternative form of documentation approved by the department in order to enter the United States from Canada.

- Supported the National Legislative Association on Prescription Drugs Prices' nomination of Sharon Treat to two USTR advisory committees.

- Began exploring possible funding sources to support an executive director position within the Commission.

2007:

- Developed a resolution that passed unanimously in both chambers of the State Legislature to request the U.S. Congress to replace the existing Trade Promotion Authority (Fast-Track) with a more inclusive and democratic system for negotiating trade agreements. Fast-Track expired without renewal on June 30, 2007, and has not yet been replaced.

2008:

- Notified Maine's Congressional Delegation and Governor Baldacci that it opposed the proposed U.S. -Colombian Free Trade Agreement based on public testimony received at the commission's February 21, 2008 public hearing and after determining that the agreement would be unfavorable to the people of Maine, the United States and Colombia.

- As a result of the People's Republic of China's challenge to Maryland's proposed legislation to regulate lead in consumer products, the commission posed the following questions USTR: 1) what agency/entity within the U.S. federal government is responsible for notifying WTO member nations of state legislation; 2) how often such notification occurs and 3) what mechanism or process is used to monitor state legislation. USTR responded that state legislatures remain fully empowered to take action to protect the public and that the WTO notification system normally requires USTR to provide notification on federal agency regulations but not federal or state legislative proposals.

- Advised USTR of its concerns about recent GATS negotiations and in particular, the draft language proposed by the chair of the WTO's Working Party on Domestic Regulations that appeared to shift the constitutionally-protected "rational basis test" for state regulation to a much more restrictive standard of "not more burdensome than necessary to ensure the quality of the service." The commission also expressed concern about draft language that could restrict a state's ability to adopt standards that may be different from those advanced at the federal level.

Citizen Trade Policy Commission Membership

Rep. Margaret Rotundo – Chair
446 College St.
Lewiston, ME 04240
Tel. 784-3259
mrotundo@bates.edu

Term: Reappointed 01/15/09

Sen. Troy Jackson, Chair
P. O. Box 221
Ft. Kent, ME 04743
Tel. 398-4081
jacksonfor1@hotmail.com

Term: Appointed 01/15/09

Jane Aiudi
Dept. of Agriculture
28 State House Station
Augusta, ME 04333-0028
Tel. 287-9072
jane.aiudi@maine.gov

Ex-Officio – DA

Sarah Bigney
306 Congress St., Apt. C.
Portland, ME 04101
Tel. 777-6387 or 356-7322
sarah@mainefairtrade.org

Representing Nonprofit Human Rights Organizations
Term: 12/04/07 – 12/03/2010

Malcolm C. Burson
Dept. Environmental Protection
17 State House Station
Augusta, ME 04333-0017
Tel. 287-7755
malcolm.c.burson@maine.gov

Ex-Officio – DEP

Carla Dickstein
Coastal Enterprises, Inc.
102 Federal St.
Wiscasset, ME 04578
Tel. 882-7552
cbd@ceimaine.org

Representing Economic Development Organizations
Term: 11/26/07 – 11/25/2010

Sen. Stan Gerzofsky
3 Federal St.
Brunswick, ME 04091
Tel. 373-1328
Stan1340@aol.com

Term: Appointed 12/08 -

Rep. Jeffery A. Gifford
346 Frost St.
Lincoln, ME 04457
Tel. 794-3040
giff@line-net.net
repjeff.gifford@legislature.maine

Term: Reappointed 12/08

Michael Herz
P. O. Box 1462
Damariscotta, ME 04543
Tel. 563-5435
mherz@lincoln.midcoast.com

Representing Nonprofit Environmental Organizations
Term: Appointed: 02/2009

Michael S. Hiltz, RN, BSN
45 Pleasant Ave.
Portland, ME 04103
Tel. 615-7351
michaelshiltz@hotmail.com

Representing Healthcare Professionals
Term: Appointed 02/17/09 3 year term

Leslie A. Manning
Dept. of Labor
Bureau of Labor Standards
45 State House Station
Augusta, ME 04333-0045
Tel. 623-7932
leslie.a.manning@maine.gov

Ex-Officio-DOL

Wade Merritt
Maine International Trade Center
511 Congress St., Ste 100
Portland, ME 04101
Tel. 541-7400
merritt@mitc.com

Represents DECD

Perry Newman
130 Fort Rd.
South Portland, ME 04106
Tel. 791-1460 or 767-3767
perry.newman@yahoo.com

RESIGNED 2/11/09

Representing Maine based Corporations Active in International Trade
Term: 10/09/07 – 10/08/2010

John Palmer
P. O. Box 519
Oxford, ME 04270
Tel. 539-4800 or 743-3337
jpalm@exploremaine.com

Representing Small Business
Term: 10/31/07 – 10/30/2010

John Patrick
206 Strafford Avenue
Rumford, ME 04276
Tel. 364-7666
Johnpat2000@hotmail.com

Representing Organizations Promoting Fair Trade Policies
Term: Appointed 02/25/09 3 year term

Cynthia Phinney
16 Old Winthrop Rd.
Manchester, ME 04351
Tel. 623-1036

Representing Organized Labor
Term: 12/04/07 – 12/03/2010

Linda Pistner
Attorney General's Office
6 State House Station
Augusta, ME 04333-0006
Tel. 626-8820
linda.pistner@maine.gov

Representing AG's Office

Sen. Roger Sherman
P. O. Box 682
Houlton, ME 04730
Tel. 532-7073
Rsherm_2000@yahoo.com

Term: Appointed 12/08 -

Rep. Sharon Treat
22 Page Street
Hallowell, ME 04349
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Office 622-5597
Repsharon.treat@legislature.maine.gov
satreat@earthlink.net

Term: Reappointed 01/15/09

Barbara VanBurgel
Dept. Health & Human Services
Bureau Family Independence
11 State House Station
Augusta, ME 04333-0011
Tel. 287-3106
barbara.vanburgel@maine.gov

Ex-Officio - DHHS

Paul Volckhausen
1138 Happy Town Rd.
Orland, ME 04472
Tel. 667-9212
pkvolckhausen@escrap.com

Representing Small Farmers
Term: 12/17/07 – 12/16/2010

Joseph Woodbury
508 Gore Rd.
Otisfield, ME 04270-6836
Tel. 539-4462
jwoodbury@nwpmaine.com

Representing ME-based Manufacturing Business
with more than 25 employees
Term: Appointed 02/17/09 3 year term

Governing Statute: Title 10 MRSA, Chap. 1-A, §11

Membership: 3 senators representing at least 2 political parties, appointed by the President of the Senate;
3 members of the House Representative representing at least 2 political parties, appointed by the Speaker of the House;
4 members of the public, appointed by the Governor as follows:
- Small business person;
- Small farmer;
- Representative on nonprofit organization that promotes fair trade policies;
- Representative of a Maine-based corporation active in international trade.
3 members of the public appointed by the President of the Senate as follows:
- Healthcare professional;
- Representative of Maine-based manufacturing business with 25 or more employees;
- Representative of economic development organization.
3 members of the public appointed by the Speaker of the House as follows:
- Person active in organized labor community;
- Member of a nonprofit human rights organization;
- Member of a nonprofit environmental organization.
Ex-Officio non-voting Membership:
- Department of Labor;
- Department of Environmental Protection;
- Department of Agriculture, Food and Rural Resources, and
- Department of Human Services.

Term: Except for Legislators, Commissioners and the Attorney General, members are appointed for 3-year terms. Appointed members may not serve more than 2 terms. Members continue to service until their replacements are designated.

Duties: Shall hold twice public hearings twice annually;
Shall conduct an assessment every 2 years on the impacts of international trade;
Shall submit an annual report.

Quorum: For purposes of holding a meeting, a quorum is 11 members. For purposes of voting, a quorum is 9 voting members.